

Serial No. 10/802,432  
Filed: March 17, 2004

### **REMARKS**

The foregoing amendment and the following remarks are responsive to the Office Action mailed September 22, 2006. In accordance with the Petition for an Extension of Time being filed concurrently herewith, the time for response has been extended to February 22, 2006.

In the Office Action under response, the Examiner has noted insufficient citation information for references C17, C18 and C19 in applicants IDS filed July 8, 2005. In accordance with the Examiner's suggestion, applicants' attach hereto a revised listing of the three cited references to supply the missing information.

In response to the objections to claims 7, 12 and 13, the foregoing amendments have corrected the typographical errors noted by the Examiner. Additionally, Applicants have responded to the §112 rejection of claims 9-13 with the foregoing amendments. Specifically, claims 9-11 have been cancelled and the word "known" has been deleted as suggested by the Examiner.

#### **The §102 and §103 Rejections**

All of the presently pending claims stand rejected in the pending Office Action under 35 USC §102 as anticipated over the Certa et al. reference and/or as obvious under 35 USC §103 over Certa in combination with one or more secondary references (OA at pp.5-8). With the foregoing amendments Applicants have now responsively amended claim 1 and its depending claims limiting all claims specifically to Applicants preferred

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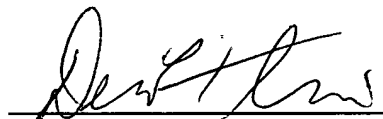
method and embodiment utilizing a panel of inducible/expressible genes coresponding to SEQ ID NOS: 1-29 and determining therewith the relative biological activity of pegylated proteins. Neither Certa et al. nor Bailon et al. nor Turri et al. nor Kumar-Sinha et al. disclose or in any way suggest to a person skilled in the art to use the genes of SEQ ID NOS: 1-29 for determining the biological activity of pegylated proteins. Accordingly, it is respectfully submitted that Claims 1-3, 6-7 and 12-13 as amended are unobvious and patentably distinct over the art of record.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request that the pending rejections of claims 1-3, 6-7 and 12-13 be withdrawn and the claims as amended be allowed.

No further fee is required in connection the filing of this Amendment. If any additional fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,



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